

U.S. Department of Justice
United States Attorney
Northern District of Georgia

Motion to change Plea

RECEIVED

2005 MAY -4 A 10:01

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CRIMINAL NO: 3:89-CR-11-10

I, WILLIE JOE TUCKER, defendant, move the COURT to permit the withdrawal of my plea of NOT GUILTY heretofore entered and to accept my plea of: (GUILTY – ~~NOLO CONTENDERE~~) thereto to Count (§) Seven thereof.

In Open Court this 5 day of July, 19 90.

Stephanie Kearns
SIGNATURE (Attorney for Defendant)

STEPHANIE KEARNS

Willie Joe Tucker
SIGNATURE (Defendant)

WILLIE JOE TUCKER

Approved:

This 5 day of July, 19 90.

S. E. Deane

ATTEST: A TRUE COPY
CERTIFIED THIS

MAY 2 2005

Luther D. Thomas, Clerk
By: S. E. Deane
Deputy Clerk

U.S. Department of Justice
United States Attorney
Northern District of Georgia

P L E A (With Counsel)

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA

CRIMINAL NO. 3:89-CR-11-10

I, WILLIE JOE TUCKER, defendant, having received a copy of the within (INDICTMENT-INFORMATION, and having (been arraigned ~~waived arraignment~~) PLEAD Guilty thereto to COUNT (S) Seven thereof.

In Open Court this 7/5/90 day of July 19 90.


STEPHANIE KEARNS
SIGNATURE(Attorney for Defendant)


WILLIE JOE TUCKER
SIGNATURE(Defendant)

INFORMATION BELOW MUST BE TYPED OR PRINTED

Stephanie Kearns
NAME (Attorney for Defendant)

Suite 3312
101 Marietta Tower
STREET

Atlanta, GA 30303
CITY & STATE ZIP CODE

PHONE NUMBER 404/688-7530

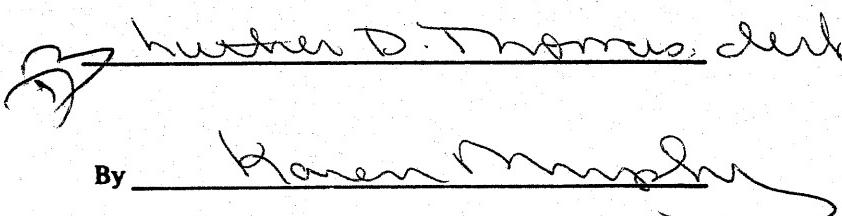
Willie Joe Tucker
NAME (Defendant)

STREET

CITY & STATE ZIP CODE

PHONE NUMBER _____

Filed in Open Court 7/5/90


By Karen Murphy

Negotiated P!

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

CRIMINAL NO. 3:89-CR-11-10

I, WILLIE JOE TUCKER, defendant, having received a copy of above-numbered (INDICIMENT-INFORMATION), PLEAD GUILTY thereto to count(s) Seven, thereof. The defendant, his counsel, and counsel for the United States, subject to approval by the COURT, have agreed upon a NEGOTIATED PLEA in this case. The defendant shall PLEAD GUILTY to COUNT(S) Seven, the remaining COUNT(S) to be dismissed upon sentencing. Additionally, it is agreed that: See attached plea letter agreement.

In Open Court this 5th day of July, 19 90.

Stephanie Kearns
SIGNATURE (Attorney for Defendant)
STEPHANIE KEARNS

James W. Kessler
SIGNATURE (Assistant United States Attorney)
JAMES W. KESSLER

Willie Joe Tucker
SIGNATURE (Defendant)
WILLIE JOE TUCKER

INFORMATION BELOW MUST BE TYPED OR PRINTED:

Stephanie Kearns
NAME (Attorney for Defendant)
Suite 3312
101 Marietta Tower
STREET
Atlanta, GA 30303
CITY & STATE ZIP CODE

Willie Joe Tucker.
NAME (Defendant)
STREET
CITY & STATE ZIP CODE

BB
Filed in Open Court 7/5/90
Mutherford D. Thomas, Clerk

By Janeen Murphy



U.S. Department of Justice

United States Attorney
Southeastern Drug Task Force75 Spring Street, S.W., Suite 1176
Atlanta, Georgia 30303404/331-DRUG
FTS/242-DRUG

July 3, 1990

Stephanie Kearns
 Federal Defender Program
 Suite 3312
 101 Marietta Tower
 Atlanta, Georgia 30303

In Re: United States v. Willie Joe Tucker
3:89-CR-11-03

Dear Ms. Kearns:

The purpose of this letter is to confirm the agreement that has been reached between the United States Attorney's office for the Northern District of Georgia (hereinafter "the Government") and your client, Willie Joe Tucker.

1. Mr. Tucker will plead guilty to Count Seven of Criminal Indictment No. 3:89-CR-11 which charges him with conspiracy to possess with the intent to distribute approximately four kilograms of cocaine hydrochloride, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. This offense carries a penalty of imprisonment of not less than five (5) years, nor more than forty (40) years, a fine of not more than \$2,000,000, a term of supervised release of not less than four years, and a special assessment of \$50.00. Mr. Tucker admits that he is in fact guilty of the above-stated offense.

2. Mr. Tucker acknowledges and understands that prior to his appearance before the Court for sentencing for the offense to which he has agreed to plead guilty, the Government will bring to the Court's attention and the Court will be entitled to consider all relevant information with respect to his background, character, and conduct relative to the facts of the offense to which he has pled guilty, including his conduct that is the subject of the counts of the indictment that the Government has agreed to dismiss at sentencing (e.g., Counts Two, Five, and Six). Furthermore, the Government will respond to any factual

questions asked by the Court at the time of sentencing, and will also respond to misstatements of fact, if any, made at the time of sentencing.

3. At his sentencing, the Government will be permitted to make a recommendation as to the sentence.

4. After the Court has sentenced Mr. Tucker, the Government will move to dismiss Counts Two, Five and Six of the indictment against him.

5. Mr. Tucker understands that by pleading guilty, he waives the following rights: to continue to plead not guilty; to a trial by jury; to the assistance of counsel at trial; to confront, cross-examine or compel the attendance of witnesses for trial; to present evidence in his behalf; the privilege against self-incrimination and the presumption of innocence.

at a trial
JL
ST
JK

6. Nothing in this agreement shall be construed to protect Mr. Tucker in any way from prosecution for any other offense committed by him after the date of this agreement.

7. It is further understood that this agreement is limited to the United States Attorney's office for the Northern District of Georgia and the Southeastern Organized Crime Drug Enforcement Task Force, and cannot bind other federal, state or local prosecuting authorities.

8. There are no other agreements, promises, undertakings, or understandings between Mr. Tucker and the Government.

Very truly yours,

JOE D. WHITLEY
United States Attorney
Northern District of Georgia

JAMES W. KESLER
Assistant U.S. Attorney
Southeastern Drug Task Force
Northern District of Georgia

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it and I voluntarily agree to it.

7/5/90
Date

Willie Joe Tucker
WILLIE JOE TUCKER

I am Mr. Tucker's attorney. I have carefully reviewed every part of this agreement with him. To my knowledge, his decision to enter into this agreement is an informed and voluntary one.

7/5/90
Date

Stephanie Kearns
STEPHANIE KEARNS, Esquire
Counsel for Mr. Tucker